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INFINEON TECHNOLOGIES NORTH
AMERICA CORP.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GREGORY BENDER,

Plaintiff,

vs.

INFINEON TECHNOLOGIES NORTH
AMERICA CORP., a Delaware corporation, et
al.,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. 3:09-cv-2112 RS

**JOINT STIPULATION AND ORDER
EXTENDING TIME TO SERVE
INVALIDITY CONTENTIONS AND
CONTINUING CASE MANAGEMENT
CONFERENCE, AS MODIFIED BY COURT**

Pursuant to Civil L.R. 6-2 and 7-12, Plaintiff Gregory Bender (“Bender”) and defendants Infineon Technologies North America Corp. (“Infineon”) and Silicon Laboratories, Inc. (“Silicon Labs”) (collectively, “Defendants”), through counsel, hereby stipulate and request an Order to (1) extend the time for Defendants to serve their invalidity contentions until 30 days after Magistrate Judge Lloyd, this Court, or the parties determine that Bender’s infringement contentions are sufficient and comply with Patent L.R. 3-1; and (2) continue the date set for the Case Management Conference in this action from July 29, 2010 (Dkt. No. 64) to a date to be set by the Court after Magistrate Judge Lloyd, this Court, or the parties determine that Bender’s infringement contentions are sufficient and comply with Patent L.R. 3-1.

Good cause exists for this request. On April 5, 2010, the Defendants each filed a motion to strike Bender’s infringement contentions and to dismiss this case pursuant to Federal Rule of Civil Procedure 37. (Dkts. 48 and 51). On May 11, 2010, Magistrate Judge Lloyd held a hearing on the Defendants’ motions and decided to take the Defendants’ motions under submission. (Dkt. No. 62). On May 19, 2010, because Magistrate Judge Lloyd had not yet issued orders on Defendants’ motions, the parties filed a joint stipulation and proposed order extending time to serve invalidity contentions and continuing case management conference (Dkt. 63). On May 20, 2010, this Court granted the parties’ joint stipulation, setting the deadline for Defendants to serve their invalidity contentions for July 19, 2010 and continuing the Case Management Conference until July 29, 2010. (Dkt. 64). To date, Magistrate Judge Lloyd has not yet issued an order on Defendants’ motions, and therefore the parties do not know whether Bender’s infringement contentions will be stricken and whether this case will be dismissed. In view of these facts, and in order to obviate the need to seek another extension of time from this Court while the parties await Magistrate Judge Lloyd’s orders on Defendants’ motions, the parties agree and stipulate as follows:

1. The deadline for Defendants to serve their invalidity contentions shall be extended from July 19, 2010 until 30 days after Magistrate Judge Lloyd, this Court, or the parties determine that Bender’s infringement contentions are sufficient and comply with Patent L.R. 3-1; and

2. The Case Management Conference currently scheduled for July 29, 2010 shall be

1 continued until September 30, 2010, subject to such additional continuances as may be necessary.

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3 IT IS SO AGREED.

4 Dated: July 15, 2010

LAW OFFICES OF DAVID N. KUHN

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7 By: /s/ David N. Kuhn
David N. Kuhn
Attorneys for Plaintiff
8 GREGORY BENDER

9 Dated: July 15, 2010

DLA PIPER LLP (US)

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12 By: /s/ Marc C. Belloli
Marc C. Belloli
Attorneys for Defendant
13 SILICON LABORATORIES, INC.

14 Dated: July 15, 2010

McDERMOTT WILL & EMERY

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17 By: /s/ Daniel R. Foster
Daniel R. Foster
Attorneys for Defendant
18 INFINEON TECHNOLOGIES NORTH
19 AMERICA CORP.

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21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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23 Dated: 7/16/10

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HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE